



House of Representatives

General Assembly

File No. 415

February Session, 2002

Substitute House Bill No. 5722

House of Representatives, April 9, 2002

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING SEXUAL ASSAULT BY A COACH OR INSTRUCTOR.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-71 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) A person is guilty of sexual assault in the second degree when
4 such person engages in sexual intercourse with another person and: (1)
5 Such other person is thirteen years of age or older but under sixteen
6 years of age and the actor is more than two years older than such
7 person; or (2) such other person is mentally defective to the extent that
8 such other person is unable to consent to such sexual intercourse; or (3)
9 such other person is physically helpless; or (4) such other person is less
10 than eighteen years old and the actor is such person's guardian or
11 otherwise responsible for the general supervision of such person's
12 welfare; or (5) such other person is in custody of law or detained in a
13 hospital or other institution and the actor has supervisory or

14 disciplinary authority over such other person; or (6) the actor is a
15 psychotherapist and such other person is (A) a patient of the actor and
16 the sexual intercourse occurs during the psychotherapy session, (B) a
17 patient or former patient of the actor and such patient or former
18 patient is emotionally dependent upon the actor, or (C) a patient or
19 former patient of the actor and the sexual intercourse occurs by means
20 of therapeutic deception; or (7) the actor accomplishes the sexual
21 intercourse by means of false representation that the sexual intercourse
22 is for a bona fide medical purpose by a health care professional; or (8)
23 the actor is a school employee and such other person is a student
24 enrolled in a school in which the actor works or a school under the
25 jurisdiction of the local or regional board of education which employs
26 the actor; or (9) the actor is a coach in an athletic activity or a person
27 who provides intensive, ongoing instruction and such other person is a
28 recipient of coaching or instruction from the actor and (A) is a
29 secondary school student and receives such coaching or instruction in
30 a secondary school setting, or (B) is under eighteen years of age.

31 (b) Sexual assault in the second degree is a class C felony for which
32 nine months of the sentence imposed may not be suspended or
33 reduced by the court.

34 Sec. 2. Section 53a-73a of the general statutes is repealed and the
35 following is substituted in lieu thereof (*Effective October 1, 2002*):

36 (a) A person is guilty of sexual assault in the fourth degree when: (1)
37 Such person intentionally subjects another person to sexual contact
38 who is (A) under fifteen years of age, or (B) mentally defective or
39 mentally incapacitated to the extent that [he] such other person is
40 unable to consent to such sexual contact, or (C) physically helpless, or
41 (D) less than eighteen years old and the actor is such person's guardian
42 or otherwise responsible for the general supervision of such person's
43 welfare, or (E) in custody of law or detained in a hospital or other
44 institution and the actor has supervisory or disciplinary authority over
45 such other person; or (2) such person subjects another person to sexual
46 contact without such other person's consent; or (3) such person

47 engages in sexual contact with an animal or dead body; or (4) such
48 person is a psychotherapist and subjects another person to sexual
49 contact who is (A) a patient of the actor and the sexual contact occurs
50 during the psychotherapy session, or (B) a patient or former patient of
51 the actor and such patient or former patient is emotionally dependent
52 upon the actor, or (C) a patient or former patient of the actor and the
53 sexual contact occurs by means of therapeutic deception; or (5) such
54 person subjects another person to sexual contact and accomplishes the
55 sexual contact by means of false representation that the sexual contact
56 is for a bona fide medical purpose by a health care professional; or (6)
57 such person is a school employee and subjects another person to sexual
58 contact who is a student enrolled in a school in which the actor works
59 or a school under the jurisdiction of the local or regional board of
60 education which employs the actor; or (7) such person is a coach in an
61 athletic activity or a person who provides intensive, ongoing
62 instruction and subjects another person to sexual contact who is a
63 recipient of coaching or instruction from the actor and (A) is a
64 secondary school student and receives such coaching or instruction in
65 a secondary school setting, or (B) is under eighteen years of age.

66 (b) Sexual assault in the fourth degree is a class A misdemeanor.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>

JUD

Joint Favorable Subst.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
GF - Cost	Various Criminal Justice Agencies	None	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill broadens the crimes of 2nd degree sexual assault and 4th degree sexual assault and will likely result in additional costs for criminal justice agencies related to adjudication and punishment. The extent to which offenses under the bill would occur is unknown. However, it should be noted that 2nd degree sexual assault carries a mandatory minimum sentence of nine months and a maximum of ten years imprisonment. Typically, sexual assault crimes yield little or no revenue to the state from fines. Since offenses under the bill may involve atypical offenders, the state could experience an increase in revenue.

OLR Bill Analysis

sHB 5722

AN ACT CONCERNING SEXUAL ASSAULT BY A COACH OR INSTRUCTOR**SUMMARY:**

This bill makes it a crime for a coach of an athletic activity or a person who provides intensive, ongoing instruction to engage in sexual intercourse or have sexual contact with someone receiving that coaching or instruction who is either (1) a secondary school student and receiving coaching or instruction in a secondary school setting or (2) under age 18.

The bill makes it second-degree sexual assault to have sexual intercourse with a person under these circumstances. The offense is punishable by one to 10 years in prison (with a nine-month mandatory minimum), a fine of up to \$10,000, or both. The bill makes it fourth-degree sexual assault to have sexual contact with a person under these circumstances, punishable by up to one year in prison, a fine of up to \$2,000, or both.

EFFECTIVE DATE: October 1, 2002

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0